

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

MARIA BENGOCHEA, §
§
Plaintiff, § CIVIL ACTION NO. H-10-4343
VS. §
§
ALLSTATE INSURANCE COMPANY, *et al.*, §
§
Defendants. §

OPINION AND ORDER

Pending before the Court is Defendant Allstate Insurance Company's motion for partial dismissal of Plaintiff Maria Bengochea's original state court petition. Doc. 12. Bengochea has filed a response in which she moves for leave to file an amended complaint that complies with the pleading requirements of Federal Rules 8 and 9. Doc. 14.

District Courts should generally grant a plaintiff at least one chance to amend the complaint under Rule 15(a) before dismissing the plaintiff's action. Therefore, the Court hereby

ORDERS that Plaintiff Maria Bengochea's motion to file an amended complaint (Doc. 14) is **GRANTED**. Defendant Allstate Insurance Company's motion for partial dismissal (Doc. 12) is **denied without prejudice**.

SIGNED at Houston, Texas, this 31st day of January, 2012.



MELINDA HARMON
UNITED STATES DISTRICT JUDGE